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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: Legislative Counsel
7D49 HQ

EXTENSION

NO.

STATOT

DATE

23 December 1976

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Director

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Attached for your approval are three recommendations regarding congressional liaison and OLC organization. These recommendations were discussed and developed at several EAG meetings.

The first is my recommendation for the OLC staffing complement which I believe is necessary for the office to perform its function properly. I recommend a T.O. of ☐ professional and ☐ clericals. Jim Taylor recommends that you qualify your approval of this staffing proposal by authorizing only eight additional positions for FY 1978, for a total of ☐ positions rather than the ☐ which I think necessary.

The second recommendation is a set of Guidelines governing all liaison with Congress. These have been approved by the EAG. The ICS also has approved their substance, but has raised two points. The ICS suggests that you postpone signing the Guidelines until after your meeting with Chairman Mahon. Also the ICS suggests that there be two sets of virtually identical guidelines issued by the DCI--one governing the Agency and one governing the ICS. However, these are "DCI" Guidelines, and I believe one set is sufficient for all components under the DCI's direct control. (I have attached ICS's proposal at the back of this package.)

The third recommendation is a proposed employee bulletin which has been approved by the EAG.

George L. Cary
Legislative Counsel

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OL 76-3756

76-5345/7

26 November 1976

MEMORANDUM FOR: Director of Central Intelligence

THROUGH: Deputy Director of Central Intelligence
Deputy to the Director for the Intelligence
Community

SUBJECT: Proposed Congressional Liaison Guidelines
and Organizational Changes for the Office
of Legislative Counsel

1. During the past two months, I have met with the Executive Advisory Group on three occasions to discuss the subject of congressional relations. Those discussions were concerned with recent developments affecting our relationships with the Congress and the requirements which we can expect the Congress to levy upon the Agency and the Intelligence Community within the foreseeable future. I presented to the Group proposed guidelines to cover future contacts with the Congress and personnel changes which I feel will be needed to cope with the increased requirements which have already been levied upon us and those which we can expect from the 95th Congress. You are intimately acquainted with these developments. However, the purpose of this memorandum is to summarize the situation and to present for your approval several proposals which have been accepted by the EAG for submission to you.

2. The increased number of oversight committees in the Congress and the continually increasing amount of liaison contact with other committees and members' offices make it necessary to increase the personnel strength of the Office of Legislative Counsel in order to cope with this increased workload, to react to congressional requirements in a timely manner, and, where possible, to anticipate these demands so that we can alert the Director, the Deputy Director, and the Deputy to the Director for the Intelligence Community and other senior officials to requirements which may be levied upon them and to events which may affect them.

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3. With an increase in personnel strength we will need to effect certain organizational changes in the Office and to establish, to a limited degree, bureaucratic mechanisms to try to assure efficiency and effectiveness in our activities. This Office has previously operated with a small staff of well-qualified and versatile individuals that has contributed greatly to our flexibility and our effectiveness in the past. We hope to retain those qualities in our personnel and enhance our overall effectiveness in the proposed Office reorganization.

4. The reorganization will entail formalizing the existence of two groups in OLC which have operated separately yet jointly for several years, handling liaison and legislation respectively and adding a third element to coordinate and review our responses to congressional requirements. This latter group will be similar to, and incorporate the functions of the Review Staff, which operated during the so-called Church/Pike Committee investigations. The guidelines which we are proposing will enunciate Agency policy with respect to contacts with the Congress and become a procedural guide for the OLC Staffs. Besides handling oversight requests, the new Coordination and Review Staff will be able to process inquiries from the House Select Committee on Assassinations which will become fully operational in the 95th Congress. (As you know, the Chief Counsel of that Committee has announced that he contemplates hiring persons with a budget of some .) Additionally, 25X1A it can handle inquiries from the House and Senate Budget Committees, the House Committee on Drug Abuse, and the Special Surveys and Investigation teams of the House Appropriations Committee.

5. In short, the OLC would consist of three separate staffs: a Legislation Staff, a Liaison Staff, and a Coordination and Review Staff. In addition to responding to requirements from the Hill this organizational structure will also be useful in developing overall strategy for the Director of Central Intelligence relative to his role with the Congress. This strategy will originate in the main through the Deputy Legislative Counsel and myself and will utilize the resources of the Coordination and Review Staff in developing recommended Agency positions on various aspects of our relationships with the Congress. This support will be extremely important as the oversight role of the Congress shifts and substantially increases. OLC also will absorb the Review Staff file room into the OLC Registry system in order to provide central control of the paper flow that is anticipated in the next Congress.

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6. Attached is a four-part package. The first part is my recommendation for the staffing complement which I believe OLC requires to fulfill our responsibilities as outlined above. The second part is guidelines for liaison with Congress which should govern all contacts between the Congress and the components under direct authority of the DCI. The third part is a detailed paper which discusses OLC functions and organization. The fourth part is a draft Employee Bulletin on the role of OLC and the guidelines which govern employee contacts with Congress.

7. I recommend you approve:

a. The proposed staffing recommendation.

Approve

Disapprove

12-29-76
Date

b. The proposed General Principles Governing Relations with Congress.

Disapprove

12-29-76
Date

c. The proposed Employee Bulletin.

Disapprove

12-29-76
Date

for George L. Cary
Legislative Counsel

Attachments

Distribution:

Orig - Addressee, w/atts

1 - DDCI, w/atts

✓ 1 - ER, w/atts

1 - IC Staff, w/atts

1 - Compt, w/atts

1 - DDO, w/atts

1 - DDA, w/atts

OLC:WPB:sm (23 Dec 76)

1 - DDI, w/atts

1 - DDS&T, w/atts

1 - OGC, w/atts

1 - OLC Subject, w/atts

1 - OLC Chrono, w/atts

3

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Staffing

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I. GENERAL PRINCIPLES GOVERNING RELATIONS WITH CONGRESS

It is the objective of the Director of Central Intelligence to provide substantive intelligence support to congressional consumers on matters within their jurisdiction and to provide the regularly constituted intelligence oversight committees of Congress with information required for their legislative oversight and appropriations functions, consistent with his duty to protect intelligence sources and methods, his obligation to third agency interests, and his responsibility to the President as his personal adviser on foreign intelligence matters.

The Office of Legislative Counsel shall support the Director of Central Intelligence, the Deputy Director of Central Intelligence, and the Deputy to the Director of Central Intelligence for the Intelligence Community in their official business with the Congress. This requires that the office perform two functions:

First, the Office of Legislative Counsel shall serve as the conduit for communications between the Congress and DCI components:

- incoming congressional requests shall be channeled into the Office;
- the Office shall refer requests to appropriate components for action;
- outgoing responses shall be directed through the Office.

Second, the Office shall serve as the central Agency coordination and review unit for information flowing to the Congress.

- the Office shall coordinate the preparation of responses among all interested Agency components;
- the Office will review outgoing Agency responses to assure policy consistency and responsiveness.

A review and coordination staff will be established within the Office of Legislative Counsel to perform these functions.

The Office of Legislative Counsel shall work with the Special Assistant to the D/DCI/IC and the Ad Hoc Coordinating Group in supporting the Director and the D/DCI/IC in connection with their Intelligence Community responsibilities.

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So that the Office of Legislative Counsel may effectively perform these functions, the following general principles shall be a guide for all contacts between the Congress and components under the direct authority of the Director of Central Intelligence.

1. Information pertaining to operational matters (as opposed to substantive intelligence) shall be provided only to regularly constituted congressional oversight committees and members of such committees, namely, the House and Senate Appropriations Committees, the Senate Select Committee on Intelligence, and the House and Senate Armed Services Committees, or to special investigative committees on matters within their jurisdiction. Additionally, the Senate Foreign Relations Committee and the House International Relations Committee are entitled to receive covert action reports under Section 662 of the Foreign Assistance Act of 1961, as amended.

2. All information being prepared for transmittal to Congress which is in written form or which will ultimately be transcribed (e.g. documents, letters, testimony, briefings with transcript, etc.) shall be prepared in coordination with the Office of Legislative Counsel and shall be reviewed by that Office before transmission to Congress.

3. The Office of Legislative Counsel shall be the main point of contact with the Congress. All congressional elements shall be encouraged to direct their contacts to that Office. In particular cases where an authorized individual determines that direct dealings with a congressional element is necessary, these may be undertaken. However, persons authorized to have such direct contact with Congress on official business are limited to the following individuals:

- the Director of Central Intelligence;
- the Deputy Director of Central Intelligence;
- the Deputy to the Director of Central Intelligence for the Intelligence Community;
- the Comptroller;
- the General Counsel;
- the Office of Legislative Counsel;
- persons specifically designated by these individuals to make such contacts.

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These authorized officers are obliged to keep the Office of Legislative Counsel promptly and thoroughly informed of their contacts. No other persons are authorized to enter into direct communications with congressional elements, oral or written, on matters pertaining to official business; and all out-of-channel congressional contacts should be referred promptly to the Office of Legislative Counsel for handling. *

4. The Office of Legislative Counsel may establish special arrangements (in lieu of the procedures set forth below) to deal with a continuing course of congressional contact which is particularly amenable to special treatment. However, these arrangements must be conducted under the Office's auspices and control.

5. With the exception of commitments made by the Director and the two Deputy Directors, no commitment to provide information shall be made by any component except after review and approval of the Office of Legislative Counsel.

The following procedures are designed to regularize the flow of information to the Congress and shall govern all contacts between the Congress and components under the direct authority of the Director of Central Intelligence. They shall apply to all congressional committees and Members, starting with the 95th Congress. In general, oversight committees will be treated equally under these guidelines, as will non-oversight committees.

*These guidelines do not apply to employees contacting regular oversight committees to report violations of statutory charter or to employees exercising their personal right of petitioning Congress. These subjects will be addressed in future issuances.

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II. PROCEDURES GOVERNING THE COMMUNICATION OF INFORMATION TO CONGRESS

A. Congressional Requests for Documents

1. Processing Document Requests

Agency and IC Staff documents will be made available to Congress only upon written authorization through the Office of Legislative Counsel. Congressional requests will be submitted to the Office, and the Office will receive such requests and disseminate each for review and "release recommendation" to appropriate components. Such requests will be disseminated for action on Form A.

2. Release of Documents

All documentary material will be reviewed before a congressional requestor is granted access to it. The components to which document requests have been disseminated for review and "release recommendation" shall be responsible for:

- (a) recommending what documentary material may be released to Congress;
- (b) recommending the form appropriate for the release of such documentary material; and
- (c) preparing the relevant documentary material for release to Congress in conformity with such recommendations.

Reviewing components shall make these determinations in accordance with the following guidelines.

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(i) A recommendation against release may be founded upon the following considerations: (a) the document is a Presidential document, a National Security Council document, or a policy sensitive document closely related to internal Executive branch policy formulation; (b) the document pertains to operational matters and the request is not from a regular oversight committee; (c) the document is so replete with information which must be deleted pursuant to the sanitization guidelines set forth in Annex B that the sense of the document would be destroyed or substantially distorted by such deletions; and (d) the Third Agency rule applies.

(ii) A recommendation for release will be made by the reviewing component if the following steps have been taken and evidence that such steps have been taken is entered upon Form A. First, the reviewing component will identify that information contained in the documentary material which relates to sensitive intelligence sources and methods or other information subject to deletion under the sanitization guidelines set forth in Annex B. Second, if deletion or paraphrase of such information can be accomplished without harm to the sense of the document and the necessary changes are within the competence of the reviewing component, it shall make the necessary changes in accord with the sanitization guidelines set forth in Annex B. Third, the reviewing component will indicate on Form A the form in which it recommends the documentary material be released, that is, whether the requested documents should be "fully released," provided "on loan" to the Congress, or released only "for reading." The reasons for the recommendation will be entered on Form A.

3. Form of Release

Documents may be released to the Congress in three forms. They may be "fully released" to the possession of Congress; provided "on loan," to be returned to the releasing component when the Congress has finished with them; or released only "for reading" within CIA or ICS premises as arranged by the Office of Legislative Counsel.

The reviewing component shall balance all relevant factors in determining whether a document should be fully released, loaned or made available for reading on premises. The primary factor to be considered is the relative sensitivity of the document, including the extent to which the document reveals classified

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information, sources and methods information or policy sensitive matters. Other factors to be considered are: the extent to which the requesting congressional unit must control the document to meet its responsibilities; the security resources of the requesting unit, including its ability under resolution or rule to restrict access to the document; and the security record of the requesting unit.

When a regular oversight Committee requests a document, the reviewing component may recommend full release, loan, or release for reading. However, with respect to all other congressional requesters, recommendations for full release shall only be made for unclassified documents.

4. Final Review and Transmittal of Documents

If a document is recommended for full release or loan to the Congress, two copies shall be forwarded to the Office of Legislative Counsel. In the case of bulky documents, only one copy need be forwarded along with an indication as to where a reference copy is available in the files. The Office of Legislative Counsel shall review the documents to ensure that these guidelines have been followed. The Office shall forward the documents to the requesting congressional unit with a written statement describing the basis on which the document is being furnished and explaining generally any deletions or paraphrasing which have been made. The Office shall likewise review any documents recommended for reading on premises and shall arrange for such congressional access. In making documents available to be read on the premises, the action component should inform congressional personnel of the need for reviewing and sanitizing any notes taken by them in order to avoid the possibility of exposing sensitive information. The action component should then review any such notes, sanitize them as necessary in accordance with the guidelines in Annex B, and then forward them to the congressional personnel concerned through OLC.

If a component recommends against release of a document, the Office of Legislative Counsel shall be responsible for explaining to the requester why a document cannot be released and, if appropriate, suggesting alternative means by which the requester's needs may be satisfied.

The Office shall also be responsible for maintaining full records with respect to document requests, including the original request, the action taken on Form A and the texts of documents provided.

If any judgmental differences are not resolved between the Office and an Agency component in the course of the Office's final review, they will be raised with the Deputy Director of Central Intelligence, the Deputy to the Director for the Intelligence Community or the Director for resolution.

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B. Congressional Requests for Non-Documentary Information

1. Processing of Written Requests

All written congressional communications which call for a DCI, ICS or CIA response (other than the provision of documents) shall be referred to the Office of Legislative Counsel. An information copy will be simultaneously sent to ICS. The Office of Legislative Counsel shall disseminate these congressional requests to the appropriate component(s) for action.

2. Receipt and Processing of Oral Requests

Congressionally initiated oral communications pertaining to official business (e.g. telephone calls, office visits) may be accepted and acted upon only by the following individuals:

- the Director of Central Intelligence;
- the Deputy Director of Central Intelligence;
- the Deputy to the Director of Central Intelligence for the Intelligence Community;
- the Comptroller;
- the General Counsel;
- the Office of Legislative Counsel; and
- personal representatives of these individuals specifically designated by them to have such contacts.

No other persons are authorized to receive, accept or engage in direct oral communications with congressional elements on matters pertaining to official business. Congressional personnel attempting to make out-of-channel contacts should be referred promptly to the Office of Legislative Counsel.

Those persons authorized to have direct contact with Congress (listed above) shall promptly prepare a written summary of the contact and forward it to the Office of Legislative Counsel. If the contact involved an oral request requiring a DCI, ICS or CIA response or follow-up, the person shall also fill out Form B and forward it promptly to the Office. Information copies of Form B will be sent to ICS unless clearly related only to Agency matters. If a response is called for, the Office of Legislative Counsel shall disseminate these requests to the appropriate component(s) for action.

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3. Handling of ICS Responses

Responses to oral or written congressional communications which have been referred to ICS for action shall be handled as follows:

Where an oral or written congressional communication elicits an ICS response in writing, the response shall be forwarded through the Office of Legislative Counsel for review and transmittal to Congress.

Where an oral or written congressional communication elicits an ICS response which will ultimately be transcribed (e.g. testimony, briefings on-the-record, interviews on-the-record), the response should be prepared in coordination with the Office of Legislative Counsel. A representative from the Office of Legislative Counsel should be present at the presentation of the response, unless other arrangements are made. Copies of transcripts shall be deposited in the Office of Legislative Counsel.

Where an oral or written congressional communication elicits an off-the-record oral ICS response (e.g. office visit, off-the-record briefing, telephone call), ICS should promptly prepare a written summary of the contact and forward it to the Office of Legislative Counsel.

In general, the kinds of information which would not be available to Congress in documentary material under section II. A. of these procedures or which would be deleted from documents under that section should not be provided to Congress through other written or oral responses.

4. Handling of Agency Responses

Responses to oral or written congressional communications which have been referred to a CIA component(s) for action shall be handled as follows:

Where there appears to be some discretion as to the form which a particular response may take, the Office of Legislative Counsel shall determine in consultation with the action component the most appropriate form of response.

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Where a response is to be in writing, the action component shall prepare it in coordination with the Office of Legislative Counsel. The Office shall review it for policy consistency and responsiveness before forwarding it to Congress.

Where a response is to be in a form which will ultimately be transcribed (e.g. testimony, briefings on-the-record, interviews on-the-record), the action component shall prepare the response in coordination with the Office of Legislative Counsel. The action component shall advise the Office whether special security procedures should accompany presentation of the response. The Office of Legislative Counsel shall make all arrangements for formal briefings, testimony and interviews. A representative from the Office of Legislative Counsel shall be present at all formal briefings, testimony and interviews, unless other arrangements are made by the Office of Legislative Counsel. No documents should be released in the course of a briefing, interviews or testimony unless arrangements are made with the OLC for such release in advance. No specific document should be referred to in the course of such presentations unless the spokesman has reasonable confidence that the contents of such document are releaseable in some form to Congress. Transcripts of these presentations shall be maintained in the Office of Legislative Counsel.

Off-the-record oral Agency responses to congressional requests (office visits, telephone calls) may be made only by persons authorized to engage in direct oral communications with the Congress. Such persons should inform the Office of Legislative Counsel in advance of making these contacts if possible. In all cases, written summaries of these contacts shall be prepared and forwarded to the Office of Legislative Counsel.

In general, the kinds of information which would not be available to Congress in documentary material under section II. A. of these procedures or which would be deleted from documents under that section should not be provided to Congress through other written or oral responses.

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C. DCI-ICS-CIA Initiated Contacts With Congress

Only the following persons are authorized to initiate contact with any element of Congress on matters pertaining to official business:

- the Director of Central Intelligence;
- the Deputy Director of Central Intelligence;
- the Deputy Director of Central Intelligence for the Intelligence Community;
- the Comptroller;
- the General Counsel;
- the Office of Legislative Counsel;
- persons specifically designated by these individuals to initiate such contacts.

No other person is authorized to initiate or enter into direct communication with an element of Congress, formal or informal, written or oral, on matters pertaining to official business. These authorized officers are obliged to keep the Office of Legislative Counsel promptly and thoroughly informed on their contacts.

These guidelines do not apply to employees contacting regular congressional oversight committees to report suspected violations of statutory charter or to employees exercising their personal rights of petitioning Congress. These latter areas will be addressed in future issuances.

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D. Reports Under Section 662 of the Foreign Assistance Act

The following procedures are designed to meet the requirements of Section 662 of the Foreign Assistance Act regarding the reporting of covert action projects to certain committees of Congress. They do not address the possibility of reports on such projects over and above those required by Section 662.

1. The Statutory Provision

Section 662 of the Foreign Assistance Act of 1961, as amended, reads in its entirety as follows:

"(a) No funds appropriated under the authority of this or any other Act may be expended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States and reports, in a timely fashion, a description and scope of such operation to the appropriate committees of the Congress, including the Committee on Foreign Relations of the United States Senate and the Committee on Foreign Affairs of the United States House of Representatives.

"(b) The provisions of subsection (a) of this section shall not apply during military operations initiated by the United States under a declaration of war approved by the Congress or an exercise of powers by the President under the War Powers Resolution."

2. Reporting Requirements of Section 662

The obligation to report to certain congressional committees on a proposed covert action project does not arise until after the President has made a finding that the operation in question is "important to the national security." When the President does make such a finding, Section 662 requires that "a description and scope" of the operation be reported to appropriate committees of Congress "in a timely fashion." The legislative history of Section 662 indicates that the following committees (or subcommittees thereof) should receive such reports: the Senate and House Armed Services Committees; the Senate and House Appropriations Committees; the Senate Foreign Relations Committee; the House International Relations Committee; and the Senate Select Committee on Intelligence. The President has delegated to the Director of Central Intelligence responsibility for making the required reports.

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3. Preliminary Notification

Immediately upon being informed that the President has made a finding pursuant to Section 662, the Office of Legislative Counsel shall notify the Chairman of each of the seven Committees listed above, or whomever the Chairman has designated to receive such notice. The Office of Legislative Counsel will orally inform the Chairman, or his designee, that the President has made a finding with respect to a particular country under Section 662, and that the Director stands ready to brief the Committee on the activity at the Committee's earliest convenience. The Chairman of each Committee, or his designee, should receive such notification as soon as secure communication to him is possible. When Congress is in session, notification of all Committees should normally be accomplished within 48 hours. Upon proper notification of all appropriate Committees, the Office of Legislative Counsel shall prepare for the Director a certificate that all Committees have been notified.

4. Briefing of Committees

Upon notifying the Committees, the Office of Legislative Counsel will make arrangements for the Director to brief each Committee on the operation. The Director, or his designee, will orally brief the Committees.

5. Projects Involving Reserve Releases/Reprogramming Fund Transfers

When a covert action project involves a release from the Reserve, the Office of Legislative Counsel will notify the Chairmen of the House and Senate Appropriations Committees, and the Chairmen of CIA's legislative oversight committees/subcommittees of the House and Senate, of the proposed withdrawal, indicating the amount expected to be withdrawn from the Reserve and the purpose for which the funds will be used. Reserve release notifications involving Section 662 projects will be made within 48 hours after the President has made a finding.

Pursuant to House Appropriations Committee letter to the Director of OMB on 25 September 1975, if funds are to be reprogrammed within the Agency, or transferred from other agencies, prior approval must be obtained from the Appropriations Committees.

III. PROCEDURES GOVERNING CONGRESSIONAL ACCESS TO FACILITIES

A. Oversight Committee Visits

1. Headquarters

Members of the regular oversight Committees are welcome to visit Headquarters buildings, and the Office of Legislative Counsel shall make arrangements for such visits. Oversight Committee staffers may visit Headquarters buildings when they have been invited by an authorized person or when they have specific business to transact.

The Committee should notify the Office of Legislative Counsel in advance of visits to Headquarters by Committee staffers and should advise the Office of the subject matter of the visit. Badges for Committee staff are the property of the Director and shall be controlled by the Office of Legislative Counsel. Committee staff will be requested to sign in at Headquarters to receive their badges. At that time they will advise the Office of Legislative Counsel of their agenda for the day. No escort shall be required; however, the Office of Legislative Counsel may provide an escort at its discretion.

2. Other Domestic Facilities

All oversight Committee requests for member or staff visits to Agency facilities other than Headquarters buildings require the approval of the Director or the Deputy Director. The Office of Legislative Counsel shall make the necessary arrangements for such visits with due regard for cover and security considerations and in coordination with the Agency component concerned.

3. Overseas Travel

Matters pertaining to overseas travel of oversight Committee members and staff shall be handled in accordance with the guidelines set forth in Annex D.

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B. Non-Oversight Committee Visits

Only persons authorized to have direct contact with the Congress may extend invitations to non-oversight Committee members and staff to visit Headquarters and other Agency facilities. All non-oversight Committee requests for visits to Headquarters or other Agency facilities require the approval of the Director or the Deputy Director. The Office of Legislative Counsel shall make necessary arrangements for such visits with due regard for cover and security procedures and in coordination with the Agency component concerned. Matters pertaining to overseas travel of non-oversight members and staff shall be handled in accordance with the guidelines set forth in Annex D.

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ANNEX A

CONGRESSIONAL REQUEST FOR DOCUMENT

TO:
FROM: Office of Legislative Counsel

The attached congressional request for document(s) has been received from:

Please locate the relevant documents and make the necessary review and recommendations by _____.

* * * *

TO: Office of Legislative Counsel
FROM:

Release Recommendation: This component recommends for ___/against ___ release of the requested document(s) for the following reasons:

Form of Release: This component recommends that the requested document(s) be fully released ___/loaned ___/ made available for reading ___ to the congressional requestor for the following reasons:

Sanitization: This component has made the deletions and paraphrasing of the document(s) required by applicable guidelines. This sanitization was necessary for the following reasons:

Coordination: This component recommends further coordination with _____ before release of document(s).

Further Comments:

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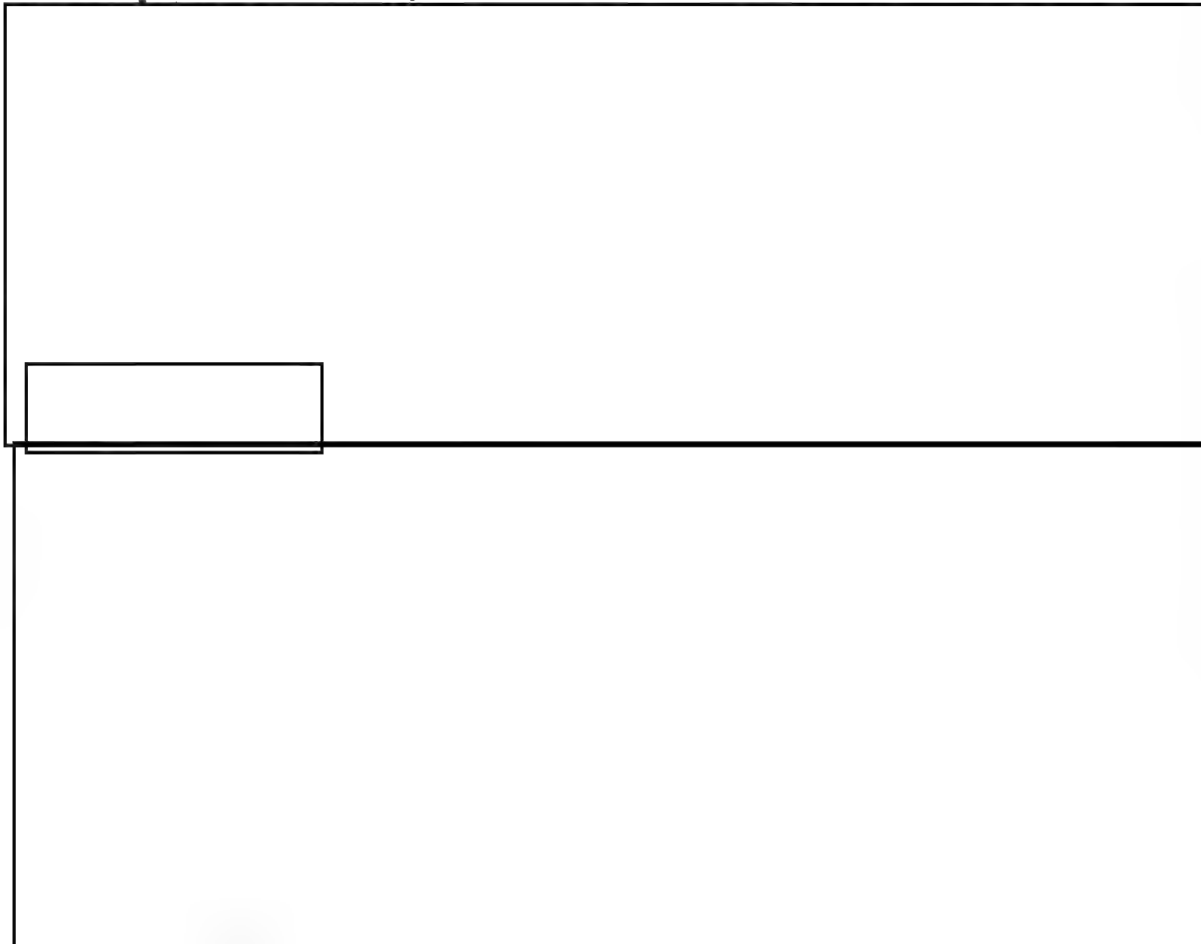
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ANNEX B

GUIDELINES FOR SANITIZING SENSITIVE DOCUMENTS
PROVIDED TO CONGRESSIONAL OVERSIGHT COMMITTEES

1. The principles and procedures set forth in the following paragraphs should serve as guides for properly sanitizing certain categories of information in materials provided to congressional committees.
2. Documents shall be prepared for release to congressional committees having oversight of intelligence activities so as to avoid the risk of exposing certain sensitive information. Included in such matters are the identities of sensitive sources, the material provided to the United States by cooperating foreign services, the details of technical devices and systems and of operational methods, sensitive Third Agency relationships, the identities of certain employees whose safety could be jeopardized if revealed, the identities of American citizens and organizations who have cooperated with U.S. intelligence, and some additional materials the public disclosure of which would create serious foreign policy or national security problems. Such material should be protected not only from exposure but, indeed, from the risk of exposure.
3. Documents shall be prepared for release to congressional committees so as to protect the right to privacy of individuals. Matter, disclosure of which would be an unwarranted violation of such right, shall be deleted from documents.
4. Documents shall be prepared for release so as to protect the confidentiality and integrity of the decisionmaking processes of the Executive Branch. Examples of the kinds of information which normally should be deleted to secure such confidentiality are: recommendations made to policy-level officials, instructions to officials to carry out decisions, and candid assessments by officers if the disclosure of these assessments outside the Executive Branch would adversely affect the decisionmaking process.
5. Proper sanitizing procedures should prevent risk of disclosure of sensitive information and at the same time present to the congressional committee the necessary details to allow for the proper understanding of intelligence activities.

6. The procedures described herein are not to be used as downgrading or declassification guides. All concerned should be mindful that application of these procedures will not declassify, downgrade or remove from compartmentation controls any documents or information provided the congressional committees, unless individual advice to that effect is provided as well.



8. Intelligence Estimates

Finished intelligence reports and estimates do not usually contain source identifications and will not normally require paraphrasing. However, such publications should be reviewed to ensure deletion of sensitive source identities and details of collection systems.

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ANNEX C

FORM B

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ORAL REQUEST FROM CONGRESS:

Date Received: _____

Name of Requestor: _____

Committee or Subcommittee _____

Specifics of Request _____

Recommendations for Response _____

Name of Person who received request: _____

Office and extension _____

Date: _____

Action Assigned to: _____

Approved For Release 2004/12/01 : CIA-RDP79M00467A000400040014-9

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ANNEX D

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BRIEFING VISITING MEMBERS OF CONGRESS

1A

REFERENCE:

I. GENERAL

a. The purpose of this instruction is to provide domestic and foreign field elements with guidance for meetings with Members of Congress and congressional staff members who might visit your area. In planning trips both within the U. S. and abroad such persons sometimes ask Headquarters to arrange briefings by field representatives of the Agency. In other cases, the Agency itself may take the initiative in arranging such briefings, and on occasions, such persons may request briefings in the field without Headquarters' knowledge that they are travelling.

b. It is the policy of Headquarters that Members of Congress will be given courteous, businesslike attention, and, within the limitations imposed by operational security, cover, liaison considerations, and congressional guidelines, comprehensive information in response to inquiries they may make on visits to our field installations. This policy applies as well to staff members accompanying Members of Congress or carrying out official missions for them or congressional committees and subcommittees. As provided below, those Members or staff personnel who serve on committees exercising some oversight or appropriations jurisdiction over the Agency will have had access at Headquarters to fuller information than other Members or staffers, and different terms of reference will apply to briefings of the two groups.

II. PROCEDURE

a. Arrangement for Briefings

- (1) When arrangements have been made for a field visit and briefing for a Member of Congress, or staff member, Headquarters will notify the station or base concerned and provide guidance as to the briefing to be given, services to be rendered, and such other particulars as may be considered necessary.
- (2) The embassy will ordinarily be advised of congressional travel in a routine State "CODEL" message in accordance with standing State Department instructions.

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(3) When such travel involves a member or staffer of an Agency oversight committee on oversight business, the ambassador or principal officer will be advised through State privacy channels [REDACTED]

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(4) Members of Congress or staff members may, however, travel without Headquarters' knowledge or change their itinerary while en route, and may appear and request a briefing without the station or base having received prior guidance from Headquarters. Such cases will be governed by the paragraphs below.

(5) Without specific instructions from Headquarters to do so, stations and bases will not on their own initiative contact and brief congressional representatives travelling in their respective areas. This does not preclude our officers from participating in [REDACTED] briefings arranged by the Chief of Mission.

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b. Briefings

When briefings are to be given, whether directed by Headquarters, requested by the Chief of Mission, or solicited by a Congressman or staff member, they must be given careful attention and be meticulously prepared. Headquarters expects that Chiefs of Stations or Bases or, in their absence, their deputies, will present briefings; other officers may be introduced at COS' discretion, [REDACTED]

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[REDACTED] When prior guidance has been received from Headquarters, briefings in all cases will follow the guidelines provided. When no guidance has been received, the terms of reference set forth herein will apply.

III. MEMBERS AND STAFF OF OVERSIGHT COMMITTEES OR SUBCOMMITTEES

a. General

The interest in such meetings on the part of oversight committee members is well summarized in

recent remarks made by the Chairman of the Senate Select Committee on Intelligence who encouraged his membership to travel abroad in order to obtain a better understanding of the operations of intelligence agencies to ensure that Committee decisions on the wide latitude of matters within their purview will be based on informed judgment. He added that the Committee will not be able to carry out its mandate in S. Res. 400 to consider revising the Charter of CIA in any responsible and constructive way without the type of knowledge which can be acquired by the Committee only through contacts with field personnel. The Director fully concurs in the Chairman's views.

b. The oversight committees are: Senate Select Committee on Intelligence, the Intelligence Operations Subcommittee of the Defense Subcommittee of the Senate Committee on Appropriations, the Defense Subcommittee of the House Committee on Appropriations, and the Intelligence Subcommittees of the House and Senate Armed Services Committees. Additionally, the leadership of the Senate Foreign Relations Committee and the Subcommittee on Oversight of the House International Relations Committee and the senior staff members of those Committees receive reports on covert action programs as provided in Section 662 of Public Law 93-559.

c. Guidelines for Briefings

(1) Members of these Committees, except those on the Senate Foreign Relations Committee and the House International Relations Committee, have access to and may have been briefed in detail on the Agency's budget and many aspects of CIA's programs and activities. As a result they may be aware of, and may be briefed on, matters pertaining to our budget, the numbers of our personnel, our operations, and collection functions performed at field stations. There is general understanding, however, that there are access restraints on the identities of sensitive sources and operational details and the precise details [REDACTED]

Unless advised to the contrary, stations should defer to Headquarters on these matters should access to such sensitive information be requested in the field.

(2) The specific restraints concerning especially sensitive matters should not in any way limit your ability to provide a clear understanding of the reasons for your existence in

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the country of your assignment, the value to the U.S. Government of the activities which you perform, the command and control of your activities, and the relationship of your particular station to the Agency's finished product. You should, of course, be prepared to discuss in detail the substantive intelligence situation (e.g., military, economic, and political) in your country of assignment.

(3) The guidance set forth herein with respect to the members of these oversight committees will, in general, also apply to staff members accompanying them or travelling separately on Committee business. In the latter case, we will attempt to give you detailed guidance in each instance with respect to the purpose of the staff member's visit. Occasionally members of oversight committees will travel accompanied by personal staff aides as opposed to Committee staff members. When such a situation occurs, personal aides should be treated in accordance with the guidance set forth in section IV below.

d. Senate Select Committee on Intelligence: Special Considerations

(1) It is recognized that the travel of members of this Committee raises special areas of security sensitivity since the jurisdiction of this Committee pertains solely to intelligence. For this reason, the Committee Chairman has made it clear that every effort will be made to

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[REDACTED] The Committee will abide by whatever security and other caveats the Director feels must be levied on such travel.

(2) An effort will be made to minimize the number of members travelling together on Committee business. (It is likely that they will travel alone, accompanied only by a member of the Committee staff [REDACTED])

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[REDACTED] The expenses of their travel will be paid from Committee funds. Headquarters will, where possible, work with each of these members in planning their itineraries and working out appropriate security precautions concerning their travel. Field stations will be advised of and where possible consulted on the details of these arrangements in advance.

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e. Senate Foreign Relations Committee and House International Relations Committee. As mentioned in paragraph b above, the leadership of the Senate Foreign Relations Committee and the Subcommittee on Oversight of the House International Relations Committee as well as the senior staff members of those Committees, are the recipients of reports on covert action projects pursuant to section 662 of the Foreign Assistance Act of 1961, as amended. Moreover, pursuant to the Rules of the House of Representatives, the House International Relations Committee exercises special oversight responsibility of intelligence activities relating to foreign policy, which also involves covert action programs. It is not expected that Members or Committee staff of either the Senate Foreign Relations or House International Relations Committees will be in contact with overseas posts on CIA matters without first making arrangements with Headquarters. In the event they do, however, Stations, while being aware of the Committee's special responsibilities, should respectfully refer to Headquarters any questions which are raised regarding covert action programs or operational details of other clandestine activities.

IV. MEMBERS AND STAFF NOT ON OVERSIGHT COMMITTEES OR SUBCOMMITTEES

Briefings should be limited to generalized substantive intelligence on the political, economic, and military situations existing in the country of your assignment. Such briefings will not include any operational details or intelligence of a highly sensitive nature which would reveal operational details or intelligence sources and methods, but of course classified information should not be imparted to staff personnel unless they possess appropriate clearances.

V. HANDLING OF SPECIFIC QUESTIONS

Whenever questions arise in briefings which go beyond the guidelines set forth herein, such questions should respectfully be referred to Headquarters for answer. U.S. foreign policy-oriented questions, or questions dealing with other U.S. Government entities, should be referred to Headquarters, as may be appropriate.

VI. COORDINATION

As set forth in section II, where possible and appropriate, Headquarters will ensure that any congressional travel not coordinated principally through the Department of State is brought into State channels to permit CODEL notifications. Stations and bases should ensure that local coordination is effected with the principal officer, in advance, where possible, of visits and briefings of congressional delegations.

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VII. REPORTING

Following briefings given visiting Members of Congress, stations will cable Headquarters the general nature of the briefing given, any matters which were deferred to Headquarters for coverage or follow-up, and any other comments which would be useful in terms of future contact with Members of Congress. In addition, the Chief of Mission should be apprised of the general nature of such briefings.

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OLC
Organization

Approved For Release 2004/12/01 : CIA-RDP79M00467A000400040014-9

OFFICE OF LEGISLATIVE COUNSEL

RESPONSIBILITIES

AND

ORGANIZATION

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I. OFFICE FUNCTIONS

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Under [] the Office of Legislative Counsel is responsible for all congressional matters arising in connection with the official business of the Agency. Specifically, the Office is responsible for:

- (a) Keeping the Director informed on all congressional matters involving or affecting the Agency.
- (b) Studying and recommending Agency action in connection with proposed legislation.
- (c) Controlling all Agency liaison with the Congress, its individual Members and committees and their staffs, and with legislative liaison staffs of other Executive departments and agencies.
- (d) Conducting liaison with the Office of Management and Budget with respect to proposed legislation, and for all bills, reports on proposed legislation, and proposed Executive orders, keeping the Comptroller appropriately advised.
- (e) Supervising the handling of congressional correspondence and inquiries.

Over the past year, this last responsibility--that of supervising the handling of congressional inquiries--has become more substantial both in terms of magnitude and importance. For the Office adequately to supervise the increased flow of information to Congress, it must perform the following coordination and review functions:

First, the Office must serve as the conduit for communications between the Congress and DCI components:

- incoming congressional requests should be channeled into the Office;
- the Office should refer requests to appropriate components for action;
- outgoing responses should be directed through the Office.

Second, the Office must serve as the central Agency coordination and review unit for information flowing to the Congress.

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--the Office should coordinate the preparation of responses among all interested Agency components;

--the Office should review outgoing Agency responses to assure policy consistency and responsiveness.

II. OFFICE ORGANIZATION

The responsibilities described above resolve into three general categories: first, legislation; second, liaison; and third, coordination and review. Accordingly, the Office of Legislative Counsel will be comprised of three staffs, as follows:

25X1A A. Legislation Staff : The Legislation Staff should consist of [] professional and [] clerical employees. It would be responsible for screening all legislation for possible impact on Agency interests and recommending Agency action in connection therewith. It would also be responsible for drafting and coordinating all letters, reports and memoranda concerning legislation, and for developing Agency legislative proposals and for conducting liaison with the Office of Management and Budget regarding proposed legislation, enrolled bills, reports on proposed legislation, and proposed Executive orders.

25X1A B. Liaison Staff. The Liaison Staff should consist of [] professionals and [] clericals. The staff would be responsible for controlling all Agency liaison with Congress, its individual Members and committees and their staffs. Each of the professionals would be a focal point officer for particular committees and their Members. The focal point responsibilities would be apportioned functionally, so that an officer handles the same substantive committee in each House. In addition, each officer would be assigned responsibility for a particular DCI component which would roughly correspond with their substantive responsibilities for the Congress. For example, the focal point officer for the Appropriations and Budget Committees would have responsibility for the Comptroller's office and the IC Staff and their congressional problems. Similarly, the focal point officer for the Post Office and Civil Service Committees and the Government Operations Committees would have responsibility for the DDA, and so forth. This focal point concept was implemented during the 94th Congress and was found to provide effective coverage of the Congress.

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C. Coordination and Review Staff: The Coordination and Review Staff should consist of [] professional and [] clerical employees. The staff would be responsible for supervising the handling of congressional inquiries which have been generated through liaison channels or otherwise received. The staff would receive incoming congressional requests, refer the requests to appropriate components for action, and serve as clearinghouse for outgoing responses. It would coordinate the preparation of responses among all interested Agency components and would review outgoing Agency responses to assure policy consistency and responsiveness. It would coordinate its activities with the FOIA review mechanism.

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In addition, the OLC Registry will be consolidated with the Review Staff Registry in order to provide central control of the paper flow. It is anticipated that six people will be needed to staff this Registry.

III. AGENCY-OFFICE INTERACTION

Each staff in the Office of Legislative Counsel will be responsible for keeping the Intelligence Community Staff and various Agency components informed on matters of interest. To facilitate this communication, each Directorate in the Agency and each independent office will designate an officer to serve as a focal point for all congressional matters.

It will be the responsibility of each component to keep the Office of Legislative Counsel advised on all matters which may have a congressional aspect to them. Frequent and regular communication is essential between the Office of Legislative Counsel and the various individuals in the Directorates and the independent offices who are responsible for congressional matters. Weekly or bi-monthly staff meetings involving the Office of Legislative Counsel and the component focal point officers should be held. This system of component focal point officers working with the Office was established last Congress by OLC and was found to be very effective.

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EMPLOYEE BULLETIN

THE ROLE OF THE LEGISLATIVE COUNSEL AND
EMPLOYEE CONTACTS WITH CONGRESS

Since the establishment of the Senate and House intelligence investigating committees in early 1975, the amount of official business transacted between the Agency and Congress has vastly increased. The creation of the permanent Senate Select Committee on Intelligence and the House Select Committee on Assassinations insures that this trend toward increasing contact will continue or even accelerate.

Under Headquarters Regulation the Legislative Counsel is responsible for handling all Agency official business with the Congress. The trend toward increasing contact makes it imperative that the Agency have a central contact point controlling all congressional matters. The Legislative Counsel will be able to function effectively in support of the Director and his Deputies only if all employees scrupulously adhere to Headquarters Regulation Therefore, in the interest of both supporting the Director and serving the needs of the Congress, Agency employees are reminded of the role of the Office of Legislative Counsel in controlling all Agency liaison with Congress. Employees are requested to bring to the attention of the Office of Legislative Counsel

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matters which may have a bearing on Agency relations with the Congress and, except for a few senior officials who have been specifically authorized by the Director to deal with Congress independently, all Agency employees should refer to the Office of Legislative Counsel requests from congressional offices which come to them directly. Finally, all employees are asked to look to the Legislative Counsel as their representative on all legislative matters pertaining to official Agency business and not initiate direct contact on their own with congressional offices.

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Executive Registry

76-5345/7

26 November 1976

MEMORANDUM FOR: Director of Central Intelligence

THROUGH: Deputy Director of Central Intelligence
Deputy to the Director for the Intelligence
Community

SUBJECT: Proposed Congressional Liaison Guidelines
and Organizational Changes for the Office
of Legislative Counsel

1. During the past two months, I have met with the Executive Advisory Group on three occasions to discuss the subject of congressional relations. Those discussions were concerned with recent developments affecting our relationships with the Congress and the requirements which we can expect the Congress to levy upon the Agency and the Intelligence Community within the foreseeable future. I presented to the Group proposed guidelines to cover future contacts with the Congress and personnel changes which I feel will be needed to cope with the increased requirements which have already been levied upon us and those which we can expect from the 95th Congress. You are intimately acquainted with these developments. However, the purpose of this memorandum is to summarize the situation and to present for your approval several proposals which have been accepted by the EAG for submission to you.

2. The increased number of oversight committees in the Congress and the continually increasing amount of liaison contact with other committees and members' offices make it necessary to increase the personnel strength of the Office of Legislative Counsel in order to cope with this increased workload, to react to congressional requirements in a timely manner, and, where possible, to anticipate these demands so that we can alert the Director, the Deputy Director, and the Deputy to the Director for the Intelligence Community and other senior officials to requirements which may be levied upon them and to events which may affect them.

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3. With an increase in personnel strength we will need to effect certain organizational changes in the Office and to establish, to a limited degree, bureaucratic mechanisms to try to assure efficiency and effectiveness in our activities. This Office has previously operated with a small staff of well-qualified and versatile individuals that has contributed greatly to our flexibility and our effectiveness in the past. We hope to retain those qualities in our personnel and enhance our overall effectiveness in the proposed Office reorganization.

4. The reorganization will entail formalizing the existence of two groups in OLC which have operated separately yet jointly for several years, handling liaison and legislation respectively and adding a third element to coordinate and review our responses to congressional requirements. This latter group will be similar to, and incorporate the functions of the Review Staff, which operated during the so-called Church/Pike Committee investigations. The guidelines which we are proposing will enunciate Agency policy with respect to contacts with the Congress and become a procedural guide for the OLC Staffs. Besides handling oversight requests, the new Coordination and Review Staff will be able to process inquiries from the House Select Committee on Assassinations which will become fully operational in the 95th Congress. (As you know, the Chief Counsel of that Committee has announced that he contemplates hiring persons with a budget of some . Additionally, it can handle inquiries from the House and Senate Budget Committees, the House Committee on Drug Abuse, and the Special Surveys and Investigation teams of the House Appropriations Committee.

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5. In short, the OLC would consist of three separate staffs: a Legislation Staff, a Liaison Staff, and a Coordination and Review Staff. In addition to responding to requirements from the Hill this organizational structure will also be useful in developing overall strategy for the Director of Central Intelligence relative to his role with the Congress. This strategy will originate in the main through the Deputy Legislative Counsel and myself and will utilize the resources of the Coordination and Review Staff in developing recommended Agency positions on various aspects of our relationships with the Congress. This support will be extremely important as the oversight role of the Congress shifts and substantially increases. OLC also will absorb the Review Staff file room into the OLC Registry system in order to provide central control of the paper flow that is anticipated in the next Congress.

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6. The proposed guidelines and organizational structure were discussed at the three meetings of the Executive Advisory Group. If you approve the guidelines we will provide copies to our oversight committees and to the House Select Committee on Assassinations. The recommendation for the proposed staffing complement required to properly fulfill our responsibilities as outlined above was also discussed and is attached. I will consult with the Comptroller regarding the availability and the assignment of positions to this Office.

7. Attached is a three-part package. The first part is guidelines for liaison with Congress which should govern all contacts between the Congress and the components under direct authority of the DCI. The second part is a detailed paper which discusses OLC functions and organization. Perhaps the most important part of this paper is its discussion of the need for communication and interaction between the Office of Legislative Counsel and the various components and independent offices. The third part is a draft Employee Bulletin on the role of OLC and the guidelines which govern employee contacts with Congress.

8. I recommend you approve:

a. The proposed staffing recommendation.

Approve

Disapprove

Date

b. The proposed General Principals Governing Relations with Congress.

Approve

Disapprove

Date

c. The proposed Employee Bulletin.

Approve

Disapprove

Date

Attachments



George L. Cary
Legislative Counsel

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